

GAU 1649

#5/7
02/17/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application for Kaster
Serial No.: 09/100,516
Filed: June 19, 1998
For: Plants and their preparation



Dat : February 4, 1999
Art Unit: 1649
Examiner:
Action: Second Information Disclosure

RECEIVED
FEB 11 1999

To: The Commissioner of Patents and Trademarks, Washington, DC 20231

MATRIX CUSTOMER
SERVICE CENTER

The documents identified on the attached for PTO-1449 have come to the attention of the undersigned in connection with the subject application. Copies of these documents are also attached, unless otherwise indicated below, and it is respectively requested that they be made of record in this proceeding. The identification of these documents is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. 1.56 and is not intended to be an admission that any of these documents constitute prior art as to the invention disclosed in the subject application.

Patents

<u>Number</u>	<u>Date</u>	<u>Name</u>
4,940,835	July 10, 1990	Glyphosate-Resistant Plants
5,633,435	May 27, 1997	Glyphosate-tolerant 5- Enolpyruvylshikimate-3 Phosphate synthases
5,188,642	February 23, 1993	Glyphosate-Resistant Plants
4,535,060	August 13, 1985	Inhibition Resistant 5- Enolpyruvyl-3-phosphoshikimate synthetase, Production and Use
4,769,061	September 6, 1988	Inhibition Resistant 5- Enolpyruvyl-3-phosphoshikimate synthetase, Production and Use
5,094,945	March 10, 1992	Inhibition Resistant 5- Enolpyruvyl-3-phosphoshikimate synthetase, Production and Use

REMARKS

4,940,835

This invention involves a cloning or expression vector comprising a gene which encodes 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS) polypeptide which, when expressed in a plant cell contains a chloroplast transit peptide which allows the polypeptide, or an enzymatically active

portion thereof, to be transported from the cytoplasm of the plant cell into a chloroplast in the plant cell, and confers a substantial degree of glyphosate resistance upon the plant cell and plants regenerated therefrom.

5,633,435

Genes encoding Class II EPSPS enzymes are disclosed. The genes are useful in producing transformed bacteria and plants which are tolerant to glyphosate herbicide.

4,535,060

Enhanced resistance to glyphosate, an inhibitor of the aromatic amino acid biosynthesis pathway, is imparted to a glyphosate sensitive host.

4,769,061

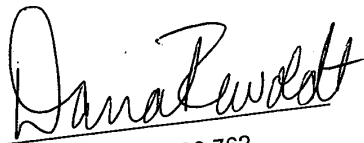
Enhanced resistance to glyphosate, an inhibitor of the aromatic amino acid biosynthesis pathway, is imparted to a glyphosate sensitive host.

5,094,945

Enhanced resistance to glyphosate, an inhibitor of the aromatic amino acid biosynthesis pathway, is imparted to a glyphosate sensitive host.

It is believed that there has been no disclosure of the invention as claimed. Accordingly, examination of the claims on the merits and allowance of the application as filed are earnestly requested.

Respectfully submitted,



Dana Rewoldt, #33,762
Garst Seed Company
2369 330th Street, Box 500
Slater, IA 50244
(515) 685-5100

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached INFORMATION DISCLOSURE, PTO Form 1449 and a return postcard are being deposited with the United States Postal Service as first-class mail in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, DC 20231, on this 4th day of February, 1999.



Cathy Lewis
Cathy Lewis